

**REMARKS**

By the above actions, claims 1 and 11 have been amended. Also filed herewith is a Request for Continued Examination. In view of the actions taken and the following remarks, reconsideration of this application is requested.

At the outset, the undersigned wishes to thank the Examiner for his helpful assistance in arriving at the above amendments to claim 1, which the Examiner agreed distinguishes the present invention from the prior art of record as indicated on the Interview Summary issued at a personal interview that was conducted on August 14, 2008. In particular, at the interview, it was pointed out that none of the references, whether viewed singly or in combination, suggest the subject matter of amended claim 1, and specifically, Svoboda's embodiments essentially center his heat exchanger, the flat bottom surface of which does not even come close to matching the curved bottom configuration of his casing, and his heat exchanger cannot be moved into the position claimed due to the location of his pipes 9 and inlet 2. As for the Ertinger patent, it was pointed out that, as can be seen from Fig. 2 thereof, his heat exchanger neither "substantially fills the bottom half of the casing," nor does it have "a contour on an underside thereof that is substantially matched to the lower contour of a facing surface of the bottom end of the casing in proximity thereto." Furthermore, nothing in the other references would suggest a submerged evaporator as now claimed, being even further removed from the present invention as now claimed that are the Svoboda and Ertinger references.


Claims 1, 2, 6, 8, 10 and 12 were rejected under 35 USC § 102 as being anticipated by the disclosure of the Svoboda European patent application, while claims 3, 4, 7, and 9 were rejected under § 103 as being unpatentable over this reference and claim 11 was rejected based upon Svoboda when viewed in combination with Ertinger. However, based on the above amendments and comments, and the Examiner's indication in the Interview Summary, these rejections should now be withdrawn and such action is hereby requested.

Therefore, in the absence of new and more relevant prior art being discovered in the further search that the Examiner indicated would be conducted, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which

could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

By: \_\_\_\_\_



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